



11/8/05

FINAL PASSAGE

SB 714 (Birkholz)

HB 5100 (Jones)

SB 714 would address cases when a parent is a Reserve unit member or National Guard unit member separated from a child because he or she has been called into active military duty. Specifically, this bill would define "Active Military Duty" to include when a reserve unit member or national guard unit member is called into active military duty. This bill is necessary to help prevent a court from permanently amending a custody order when one of the parents involved is a military reservist called to active duty. Dads and Moms of Michigan support this bill.

- *Committee 1 (S-1) was adopted.*
- *SB 714 was moved to 3rd Reading.*
- **SB 714 passed [RC 559: 37 yes, 0 no].**

HB 5100 would modify current child custody law to state: 1) a court could not consider a parent's separation from his or her child due to military service when making a "best interest of the child" determination; and 2) an established custodial environment with that parent could not be destroyed during that military service. The sponsor of the bill has said, "This bill is about protecting our servicemen and women while they are protecting our freedoms." The aim is to prevent a parent's separation from a child that results from active military duty from being considered in a child custody dispute when a court is making a best-interest-of-the-child determination. It also would not allow an established custodial environment to be destroyed while the man or woman was away on active duty. Note that the bill applies to members of the National Guard and Reserves called to active duty; that is, to military personnel who have no choice over their deployment.

- *Committee 1 (S-2) was adopted.*
- *HB 5100 was moved to 3rd Reading.*
- **HB 5100 passed with IE [RC 560: 37 yes, 0 no].**

HB 4335 (Newell)

HB 4335 would specify that a commissioned-certified law enforcement officer who is a member of any reserve component of the United States Armed Forces and who is called to active duty would not be considered to have discontinued his or her employment as a commission-certified law enforcement officer. In addition, the officer's certification could not become void during the term of active military service.

- *HB 4335 was moved to 3rd Reading. No amendments.*
- *HB 4335 passed with IE [RC 561: 37 yes, 0 no].*

HB 4978 (Hildenbrand)

HB 4978 brings Michigan into compliance with federal laws that govern the purchase and transport of concealed pistols. The legislation is necessary in order to ensure homeland security during an era when terrorists threaten the safety of our citizens.

- *HB 4978 was moved to 3rd Reading. No amendments.*
- *HB 4978 passed with IE [RC 562: 37 yes, 0 no].*

HB 5052 (Hoogendyk)

HB 5052 would make it a felony to possess, acquire, transport, or offer for sale counterfeit cigarette paper, gray market cigarettes, or gray market cigarette paper.

- *Committee 1 (S-1) was defeated.*
- *Committee 2 (S-2) was adopted.*
- *HB 5052 was moved to 3rd Reading.*
- *Cropsey 1 (1 amend) was adopted [no RC]. Clarifying language.*
- *HB 5052 passed with IE [RC 563: 37 yes, 0 no].*

THIRD READING

SJR E (Stamas)

SB 693 (Brown)

In June 2005, the U.S. Supreme Court issued its opinion in this case, addressing whether the City of New London's proposal to use the power of eminent domain to acquire the property of unwilling property owners for a city development plan qualified as a "public use" within the meaning of the Takings Clause of the Fifth Amendment to the U.S. Constitution.

SJR E would amend the State Constitution to provide that the taking of private property for transfer to a private entity for the purpose of economic development or enhancement of tax revenue would not be considered to be for public use.

- *Committee 1 (S-2) was defeated.*
- *Stamas 2 (S-3) was adopted.*
- *SJR E was moved to 3rd Reading.*

SB 693 would prohibit the taking of private property for transfer to a private entity unless the proposed taking were for the eradication of blight, or the proposed use of the land were invested with public attributes sufficient to deem the entity's activity governmental.

- *Committee 1 (S-3) was defeated.*
- *Brown 2 (S-4) was adopted.*
- *BASHAM 2A (1 amend) was defeated.*
- *SB 693 was moved to 3rd Reading.*

SB 859 (Cassis)

SB 859 would allow a totally and permanently disabled sole beneficiary of a trust to receive a homestead or qualified agricultural property exemption if the trust purchased or acquired the property as a principal residence for the beneficiary.

Currently, Michigan residents who own their principal residence may claim a homestead exemption from the 18 mills typically levied by a local school district for school operating purposes. Some of the State's disabled residents, however, are not able to claim the homestead exemption because their principal residence is owned by a trust that was set up for their benefit. Such trusts are sometimes established to allow a trustee or trustees to manage a disabled person's financial affairs when he or she is unable to do so. Some people believe that a permanently disabled individual in this situation should be eligible to receive the homestead exemption.

- Committee 1 (S-1) was adopted.
- SB 859 was moved to 3rd Reading.

HB 4001 (Caul)

HB 4002 (Moore)

Support: Department of Military and Veterans Affairs, American Legion, Veterans of Foreign Wars, Michigan Association of County Veterans Counselors, Military Order of the Purple Heart, Michigan Association of Counties -- The bills are necessary to ensure the continuation of the emergency assistance grants provided by the Michigan Veterans Trust Fund.

HB 4001 would repeal a tuition grant program for the children of certain veterans funded by the Michigan Veterans Trust Fund, and create a similar program to be administered by the Michigan Higher Education Assistance Authority.

- Committee 1 (S-1) was defeated.
- Goschka 2 (S-2) was adopted.
- HB 4001 was moved to 3rd Reading.

HB 4002 would delete four outdated sections in the Michigan Veterans Trust Fund Act.

- HB 4002 was moved to 3rd Reading. No amendments.

HB 4421 (Sheen)

HB 4421 would waive continuing education requirements for insurance agents who are unable to comply due to military service. The bill also would reduce the number of continuing education hours required over a two-year cycle from 30 to 24 and require that three of those hours be devoted to ethics.

- Committee 1 (1amend) was adopted.
- HB 4421 was moved to 3rd Reading.

HB 5091 (Caul)

HB 5091 would create a tax checkoff program beginning with the 2005 tax year to permit taxpayers to designate a contribution of \$2 or more to the Children of Veterans Tuition Program. The contribution would be subtracted from a taxpayer's refund or added to the taxpayer's tax liability.

- Goschka 1 (S-2) was adopted.
- HB 5091 was moved to 3rd Reading.

ADVISE/CONSENT

SVSU Board of Control

- The Senate confirmed the appointment of David Abbs to the SVSU Board of Control [RC 557: 37 yes, 0 no].
- The Senate confirmed the appointment of Leola Wilson to the SVSU Board of Control [RC 558: 37 yes, 0 no].